

10047. Misbranding of alimentary pastes. U. S. * * * v. 26 Cases and 189 Cases of Alimentary Pastes. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. No. 14964. I. S. Nos. 10521-t, 10522-t. S. Nos. W-956, W-958.)

On June 7, 1921, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 26 cases and 189 cases of alimentary pastes, at Reno, Nev., alleging that the articles had been shipped by the Roma Macaroni Factory, San Francisco, Calif., on or about May 2 and 13, 1921, respectively, and transported from the State of California into the State of Nevada, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the articles was alleged in substance in the libels for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages. Misbranding was alleged in substance for the further reason that the respective articles were imitations of, and were offered for sale under the distinctive names of, other articles, in that the said articles were alimentary pastes made from flour. Misbranding was alleged in substance with respect to certain lots of the articles for the further reason that the respective statements, "Net weight 50 pounds," "Net weight 40 pounds," "Net weight 25 pounds," or "Net weight 20 pounds," borne on the cases containing the said lots, deceived and misled the purchaser into the belief that each of the said cases contained 50 pounds, 40 pounds, 25 pounds, or 20 pounds, as the case might be, of the respective articles, whereas, in truth and in fact, each of the said cases did not contain the amount stated on the said cases but did contain a less amount. Misbranding was alleged in substance with respect to a portion of the said articles for the further reason that the statement on the label of the case containing the same, to wit, "Semolina," was false and misleading in that the contents of the said cases was not Semolina, but consisted in part of alimentary paste artificially colored.

On August 27, 1921, the Roma Macaroni Factory, San Francisco, Calif., claimant, having consented to a decree, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10048. Misbranding of Shores sarsaparilla. U. S. * * * v. Shores-Mueller Co., a Corporation. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 15057. I. S. No. 3565-t.)

At the September, 1921, term of the United States District Court within and for the Northern District of Iowa, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against the Shores-Mueller Co., a corporation, Cedar Rapids, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 14, 1920, from the State of Iowa into the State of Minnesota, of a quantity of Shores sarsaparilla which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained extracts of plant drugs, including a laxative drug, a salicylate, a small amount of ammonium chlorid, a trace of alcohol, glycerin, and water.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles containing the said article and in an accompanying circular, falsely and fraudulently represented it to be effective as a remedy, treatment, or cure for catarrh, rheumatism, blood disorders, boils, pimples, skin eruptions, blood and skin diseases, bad breath, impure blood, tired, worn-out feeling, general debility, female weakness, salt rheum, and eczema, when, in truth and in fact, it was not.

On October 6, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*